

SECOND REGULAR SESSION

SENATE BILL NO. 1152

93RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR BARTLE.

Read 1st time February 28, 2006, and ordered printed.

TERRY L. SPIELER, Secretary.

5448S.011

AN ACT

To amend chapters 191 and 196, RSMo, by adding thereto two new sections relating to human cloning, with penalty provisions.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapters 191 and 196, RSMo, are amended by adding thereto
2 two new sections, to be known as sections 191.950 and 196.1136, to read as
3 follows:

**191.950. 1. As used in this section, the following words and
2 phrases shall mean:**

3 (1) "Clone a human being" or "cloning a human being", the
4 creation of a human being by any means other than by the fertilization
5 of an oocyte of a human female by a sperm of a human male;

6 (2) "Cloned human being", an individual created by human
7 cloning;

8 (3) "Public employee", any person employed by the state of
9 Missouri or any agency or political subdivision thereof;

10 (4) "Public facilities", any public institution, public facility,
11 public equipment, or any physical asset owned, leased, or controlled by
12 the state of Missouri or any agency or political subdivision thereof;

13 (5) "Public funds", any funds received or controlled by the state
14 of Missouri or any agency or political subdivision thereof, including,
15 but not limited to, funds derived from federal, state, or local taxes, gifts
16 or grants from any source, public or private, federal grants or
17 payments, or intergovernmental transfers.

18 2. No person shall knowingly clone a human being, participate
19 in cloning a human being, or attempt to clone a human being.

20 3. No person shall knowingly use public funds to clone a human

21 being or to attempt to clone a human being.

22 4. No person shall knowingly use public facilities to clone a
23 human being or to attempt to clone a human being.

24 5. No public employee shall knowingly allow any person to clone
25 a human being or to attempt to clone a human being while the person
26 is making use of public funds or public facilities.

27 6. In the event any provision of subsections 2 to 5 of this section
28 is violated or is in imminent danger of being violated, the attorney
29 general or a prosecuting or circuit attorney shall institute a civil action
30 for injunctive or other equitable relief to prevent any such violation,
31 and for the assessment of a civil penalty not to exceed fifty thousand
32 dollars if imposed on a corporation or other entity, and not to exceed
33 ten thousand dollars if imposed on a person, for each violation or
34 attempted violation of this section. In determining the amount of the
35 penalty, the court shall consider the value of the offender's gain from
36 violation of this section. Suit may be brought in any county where the
37 alleged violation occurred.

38 7. The laws of this state shall be interpreted and construed to
39 acknowledge on behalf of a cloned human being at every stage of
40 development, all the rights, privileges, and immunities available to
41 other persons, citizens, and residents of this state, subject only to the
42 Constitution of the United States and decisional interpretations thereof
43 by the United States Supreme Court and specific provisions to the
44 contrary in the statutes and constitution of this state.

196.1136. 1. It shall be the policy of the state of Missouri to
2 promote the advancement of human life sciences through research
3 involving use of human stem cells from non-embryonic and non-fetal
4 sources.

5 2. Twenty-five percent of the funds received by the state of
6 Missouri from subsequent participating manufacturers that, after
7 January 1, 2004, joined or will join the master settlement agreement
8 defined in section 196.1000, that are deposited by the state treasurer
9 into the life sciences research trust fund, shall be appropriated by the
10 general assembly to the life sciences research board and shall be
11 expended by the board under sections 196.1100 to 196.1130 for life
12 sciences research projects involving the study, use, or therapies
13 involving human stem cells derived from non-embryonic and non-fetal

14 **sources.**

15 **3. All funds described by subsection 2 of this section shall be**
16 **deposited into the life sciences research trust fund established under**
17 **section 196.1100 and expended by the life sciences research board for**
18 **life sciences projects involving the study, use, or therapies involving**
19 **human stem cells derived from non-embryonic and non-fetal sources,**
20 **under the provisions of this section and sections 196.1100 to 196.1130.**

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